



City of Seattle

Greg Nickels, Mayor
Department of Planning and Development
Diane Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2400731
Application Name: Galen Page
Address of Proposal: 901 Dexter Avenue North

SUMMARY OF PROPOSED ACTION

Master Use Permit to change use of 20,700 square feet of existing administrative office to parking accessory to administrative office for a total of 41 spaces all located within the structure.

The following approvals are required:

Variance - To allow less than required 5 foot setback for parking in structure facing street in C2 zone (SMC Section 23.47.014.F.3) 2'6" setback proposed.

Variance - To allow less than required 5 foot landscaping for parking in structure facing street in C2 zone (SMC Section 23.47.016.D.2.a). 2'6" landscaping strip proposed.

SEPA – Environmental Determination – SMC Chapter 25.05.

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or involving another agency with jurisdiction

BACKGROUND DATA

Existing Conditions

The subject site is located at the northwest corner of the intersection of Aloha Street and Westlake Avenue North, at the bottom of Queen Anne Hill and close to Lake Union. The site is zoned C2-65, and it is currently developed with a large office building, a vacant office building (the actual site of the proposed change of use), and a surface parking area to the north. Vehicular access to the site is from Westlake. The C2 zone extends down Westlake to the north and south, and a C1 zone backs up to that strip to the west. According to the King County Assessor records, a large residential apartment building is located immediately to the west. To the east, across Westlake, the property is vacant. Property to the north is used for parking. Property to the south, across Aloha, is in warehouse use.

Proposal Description

The applicant proposes to remove all existing tenant improvements within the north structure on the site and install 41 parking spaces, 37 of which are required for remaining office uses. The spaces would be accessed via driveway 15-feet wide, and egress would be by a separate driveway 12-feet wide to the south of the access drive. However, the two drives would be separated by a walkway 4 feet wide; there would be an additional 7.5-foot wide paved area between the egress driveway and the north face of the notch at the east corner of the north side of the building. Landscaping would be planted in the 2.5 feet between the east face of the building and the property line/sidewalk.

Public Comment

One comment letter was submitted, which expressed concerns about whether granting the variance would be consistent with the City's "Get Seattle Moving" priorities, specifically with respect to not enhancing the pedestrian friendliness of the project's streetfront.

ANALYSIS – VARIANCE

Variances may be authorized only when all the variance criteria set forth in 23.40.020 and quoted below are met.

1. *Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of the land use code would deprive the property the rights and privileges enjoyed by other properties in the same zone or vicinity.*

The existing site provides for parking in a substandard fashion. It is also underdeveloped for the zone and location. There are good reasons for consolidating parking closer to the existing office uses, both to improve comportment with code requirements for parking, and to enable effective redevelopment of large portions of the site, in particular the northerly quarter or so. The configuration of the existing structure, where it is desired to re-locate existing parking, stands in the way of such improved provision of parking and effective use of substantial portions of the site. It is where it is, and it would require extreme measures (relocating an enormous concrete building façade) to alter it to comport with code. DPD concludes that this constitutes the essence of hardship. Because of this unusual constellation of factors, not created by the applicant or owner, the strict application of the Land Use Code would deprive the property of any rights and privileges enjoyed by other properties in the same zone or vicinity.

2. *The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which the subject property is located.*

The east façade being problematically located where it is, with no change in its location feasible, results in a setback/landscaping width potential of 2' 6" on the Westlake frontage. This is the amount proposed – the maximum possible, at least in terms of width, for most (about 160 feet) of the building length. However, there is an approximately 40-foot wide strip along Westlake (north of the notch in the building) where deeper landscaping can be provided. These are the areas where the 4-foot wide walkway to the north doors is proposed and the 7.5-foot wide area south of the egress drive to the building, in the ground-level notch. The area south of the egress drive, which is unduly wide, is not particularly useful for landscaping, because it is under the upper level of the building in that area.

The area of the walkway between drives (4-feet wide by approximately 50 feet in length going west, all the way to the apron ramp) would be highly effective if landscaped, both because it would receive adequate sunlight and because it would provide excellent mitigation for the otherwise vast expanse of pavement in that area. Under the proposal, paving and vehicular presence would utterly dominate perceptions of drivers and walkers southbound on Westlake. However, if properly landscaped, dramatic mitigation of perceptions would inevitably result. This would be particularly so if this landscaped strip were to be widened beyond the present 4-width proposed for the walkway. It appears that there is ample area for widening, because the access driveway is 3 feet wider than the 12-foot minimum required by code, and it is 3 feet wider than the egress driveway, which necessarily is adequate to serve the same vehicles. Hence, a 7-foot wide strip is potentially available for landscaping in the area of the proposed north walkway. To accommodate the existing doorway, a direct path through landscaping to the access drive seems reasonable.

Normally, a parking structure 181 feet long would require 905 square feet of landscaping in a 5-foot deep planting strip along the street property line. Here, approximately 500 square feet are proposed, where 350 additional feet are not only available, but most desirable, and, the DPD believes, necessary. Thus, by falling far short of what might reasonably be provided with respect to landscaping, the

proposal goes beyond the minimum necessary to provide relief. To grant it would constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located. However, by substantially increasing landscaping, this difficulty could be eliminated. Accordingly, variance approval is subject to 1. Revising the site and landscape plans to show, appropriately landscaped, the entire 4-foot wide walkway on the north side of the building (up to the existing door), together with all area south of the access driveway (narrowed by 3 feet) and extending west to the apron ramp. Net result: approximately 350 square feet of additional landscaped area, approximately 7 feet wide and 50 feet deep.

The proposed landscape plan sheets (L.1.1 and L.2.1) show 7 new *pyrus calleryana* “Capital” planted between the sidewalk and the street, which would provide good screening of some portions of the structure from some perspectives. However, along the building, although the trellising (8 stakes 20 feet apart, connected by 3-wire trellises, all of which run below windows set about 6 feet off the ground) appears to be adequate, the limited palette of plants chosen for screening is not adequate; hence, they are once again “beyond the minimum necessary” in the “shortfalling direction.” Deciduous clematises (2 paired on each stake) have strictly seasonal interest, and are not very attractive during long portions of the year. Kinnikinnick, a ground cover is proposed for the numerous 20-foot stretches between stakes. As proposed, there would likely be skimpy and/or unattractive coverage of great lengths of concrete block façade for substantial portions of the year. *Parthenocissus* ivy, for one, would provide superior landscaping impact; shrubs (e.g. *otto luykens laurel*, *strawberry arbutus*, or numerous others) would be more effective and appropriate than ground cover. In short, the proposed landscaping would not compensate adequately for the loss of landscaping width in the key area in front of the building. Approval of the application as proposed would result in a harsh north view of a building dedicated to parking.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located.*

The nature and scale of the variation from requirements is too small to be regarded as substantially detrimental to the public welfare or injurious to the property and improvements in the area. Nonetheless, the Land Use Code requirements are intended to promote the public welfare, and there would be some minor degree of detriment to the public welfare from unconditional approval. However, conditions already stated adequately address this issue.

4. *The literal interpretation and the strict application of the applicable provision or requirements of the Land Use Code would cause undue hardship or practical difficulties.*

The literal interpretation and strict application of the Land Use Code would virtually preclude a worthy project. However, as approved and conditioned below, hardship would be remedied. Given the scale of the project, the conditions of approval (adding substantial additional landscaping area, and upgrading

the plant choices) represent modest and reasonable cost, and do not represent hardship. Accordingly conditional approval is warranted.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

The spirit and purpose of the Land Use Code is to prevent inadequately screened (with landscaping) parking in C2 zones. However, as conditioned, the proposed parking structure and access to it would be reasonably screened by landscaping. Thus, as conditioned, variance approval is deemed to be consistent with the spirit and purpose of the Land Use Code.

DECISION – VARIANCE:

The requested variances are **CONDITIONALLY APPROVED.**

CONDITIONS – VARIANCE:

Following SEPA review and conditions below.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated 14 January 2005. The information in the checklist, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations). Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from construction activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by demolition of the existing roof; increased traffic and

demand for parking from construction materials hauling, equipment and personnel; increased noise; and consumption of renewable and non-renewable resources.

Adopted codes and/or ordinances provide mitigation for the identified impacts. The proposal includes only limited excavation of soils for construction due to the fact that the majority of the work proposed is being done within an existing structure with an existing foundation. The Stormwater, Grading and Drainage Control Code require that soil erosion control techniques be initiated for the duration of construction. The Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted.

Long-term Impacts

Long-term or use-related impacts associated with approval of this proposal include increased vehicular activity at the street entrance and exit, together with some locally increased light and glare from vehicle lights. Mostly these impacts are simply being relocated southward from the site to the north. Identified long-term impacts are not considered significant because they are within the scope of those impacts anticipated by the zoning and/or are relatively the minor in scope. The proposed inadequate landscaping for the parking use is not entirely consistent with the current zoning; hence, it is not fully compatible with the surrounding retail, commercial and industrial uses. However, compliance with conditions of approval of the variance analysis (see below) will ensure such compatibility and achieve sufficient mitigation of long term impacts. No further conditioning pursuant to SEPA authority is warranted.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

CONDITIONS – SEPA

None.

NON-APPEALABLE SEPA REQUIREMENT:

The owner(s) and/or responsible party(s) shall sign and date the SEPA checklist.

CONDITIONS – VARIANCE:

Prior to issuance of the Master Use Permit:

The owner(s) and/or responsible party(s) shall:

1. Provide site plan revised to DPD satisfaction showing
 - a. The existing north door served by paved (or other) access directly north to the access drive and
 - b. A strip 7 feet wide beginning east of the paved (or other) access to the existing north door, and running all the way to the east property line, put to landscaping.
2. Provide landscape plans maximizing impact of landscaping as judged by the DPD, showing at least
 - a. the walkway to the north door (north façade) put to appropriate landscaping
 - b. clematis replaced by parthenocissus or comparable all-season-interest vine(s)
 - c. kinnikinnick replaced by appropriate shrubs.

Prior to temporary or final certificate of occupancy, and for the life of the project:

The owner(s) and/or responsible party(s) shall install and maintain all externally visible improvements (landscaping) per plan.

Signature: _____ (signature on file) Date: March 7, 2005
Paul Janos, Land Use Planner

PJ:bg

Janos/doc/2400731 establish etc.